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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 JONATHAN WAYNE BOTTEN, SR.;
12 TANJA DUDEK-BOTTEN;
13 ANNABELLE BOTTEN; and J.B., a
minor by and through his guardian
JONATHAN WAYNE BOTTEN, SR.,

14 Plaintiffs,

15 vs.

16 STATE OF CALIFORNIA; COUNTY
17 OF SAN BERNARDINO; ISAIAH
KEE; MICHAEL BLACKWOOD;
18 BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
19 and DOES 1-10 inclusive,

20 Defendants.

CASE NO. 5:23-cv-00257-KK-(SHKx)

*Assigned for All Purposes to:
Hon. Kenly Kiya Kato– Courtroom #3*

**[PROPOSED] JUDGMENT
GRANTING COUNTY
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE SUMMARY
ADJUDICATION**

*[Filed Concurrently Defendants' Motion
for Summary Judgment; Defendants'
Separate Statement of Undisputed
Material Facts; Declarations; Exhibits]*

Date: March 20, 2025
Time: 9:30 a.m.
Courtroom: 3

Trial: July 28, 2025

*Complaint filed: 02/16/23
FAC filed: 06/08/23*

1 The arguments having been presented and fully considered, and in accordance
2 with the Court's Order granting Defendants County of San Bernardino, Robert
3 Vaccari, and Jake Adams' Motion for Summary Judgment as to the operative
4 Complaint in 5:23-cv-00257-KK-(SHKx) it is now **ORDERED, ADJUDGED, AND**
5 **DECREED** that judgment is entered in this action as follows:

6 1. Plaintiffs Jonathan Wayne Botten, Sr., Tanja Dudek-Botten, Annabelle
7 Botten, and J.B. a minor by and through his guardian ad litem, Jonathan Wayne
8 Botten, Sr., shall recover nothing from Defendants County of San Bernardino, Jake
9 Adams, and Robert Vaccari as to Plaintiffs' Fifth Claim for Negligence.

10 2. Plaintiffs Jonathan Wayne Botten, Sr., Tanja Dudek-Botten, Annabelle
11 Botten, and J.B. a minor by and through his guardian ad litem, Jonathan Wayne
12 Botten, Sr., shall recover nothing from Defendants County of San Bernardino, Jake
13 Adams, and Robert Vaccari as to Plaintiffs' Sixth Claim for Negligent Infliction of
14 Emotional Distress.

15 3. Plaintiffs' operative complaint in 5:23-cv-00257-KK-(SHKx) is
16 dismissed as to the County of San Bernardino, Robert Vaccari, and Jake Adams in its
17 entirety.

18 4. Defendants County of San Bernardino, Robert Vaccari, and Jake Adams
19 shall have judged in their favor on Plaintiffs' First Amended Complaint in 5:23-cv-
20 00257-KK-(SHKx).

21 5. Defendants County of San Bernardino, Robert Vaccari, and Jake Adams
22 shall recover their costs as the prevailing party from Plaintiffs pursuant to a bill of
23 costs filed in accordance with 28 U.S.C. § 1920 and Local Rule 54.

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1 **IT IS SO ORDERED.**

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3 DATED:

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5 **HON. KENLY KIYA KATO**
6 United States District Court Judge
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